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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,968

06/14/2005

Mensur Velicanin

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40570

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10/28/2009

FRIEDRICH KUEFFNER

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EXAMINER

FULTON, KRISTINA ROSE

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

10/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,968	<b>Applicant(s)</b> VELICANIN, MENSUR	
	<b>Examiner</b> KRISTINA R. FULTON	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The translation and RCE submitted 6/15/09 are acknowledged and therefor disqualifies prior art reference Rovira (FR 2833662). Claims 1-3 are newly rejected below.

### ***Claim Objections***

2. Claims 1-3 are objected to because of the following informalities: the term “which” should be changed to —the— in the instance where “which” describes a previously claimed component. For example, the third paragraph of claim 1 should read —the shaft transmits a torque..—not “which shaft transmits...”. Further, --one-piece shaft- should be used consistently throughout the claim as opposed to just “shaft” to avoid confusion between the one-piece shaft the possibility of another shaft. Further, in claim 1, second page, third paragraph, “the webs” should be —the web-- . Further, in the third line of that same paragraph the numeral 138’ for “toward” should be —(38’). In claim 3, the connection added by the amendment is already claimed in claim 1. Paragraph 2 of claim 3 requires “the cylinder core” but the core is not previously claimed and should be —a cylinder core—unless applicant intended to use “the lock cylinder”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

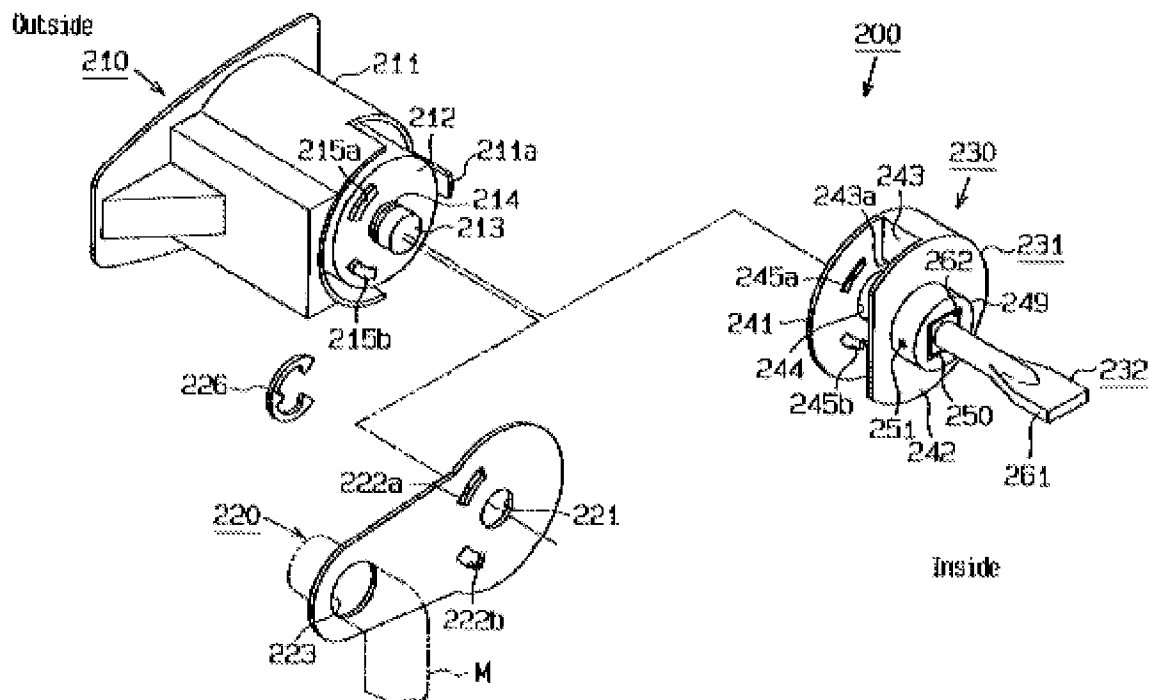
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Katagiri (US 6837083) in view of Brahler (US 3869877).

6. Regarding claim 1, Katagiri shows an actuating device for a lock in a door or hatch of a motor vehicle (column 1, line 8), with a lock cylinder (200), which has a lock (column 9, lines 57-58) located a certain axial distance away and a one-piece shaft (232) extending between the lock cylinder and the lock; which shaft transmits a force to the lock when the lock cylinder is rotated; the shaft is flexible in an axial direction of the shaft to compensate for a radial offset between the axis of the lock cylinder and the lock (column 12, lines 15-25) and wherein a driver (261) for actuating the lock and/or a connection (230) for the lock cylinder is formed integrally on the shaft. See the Katagiri device below.

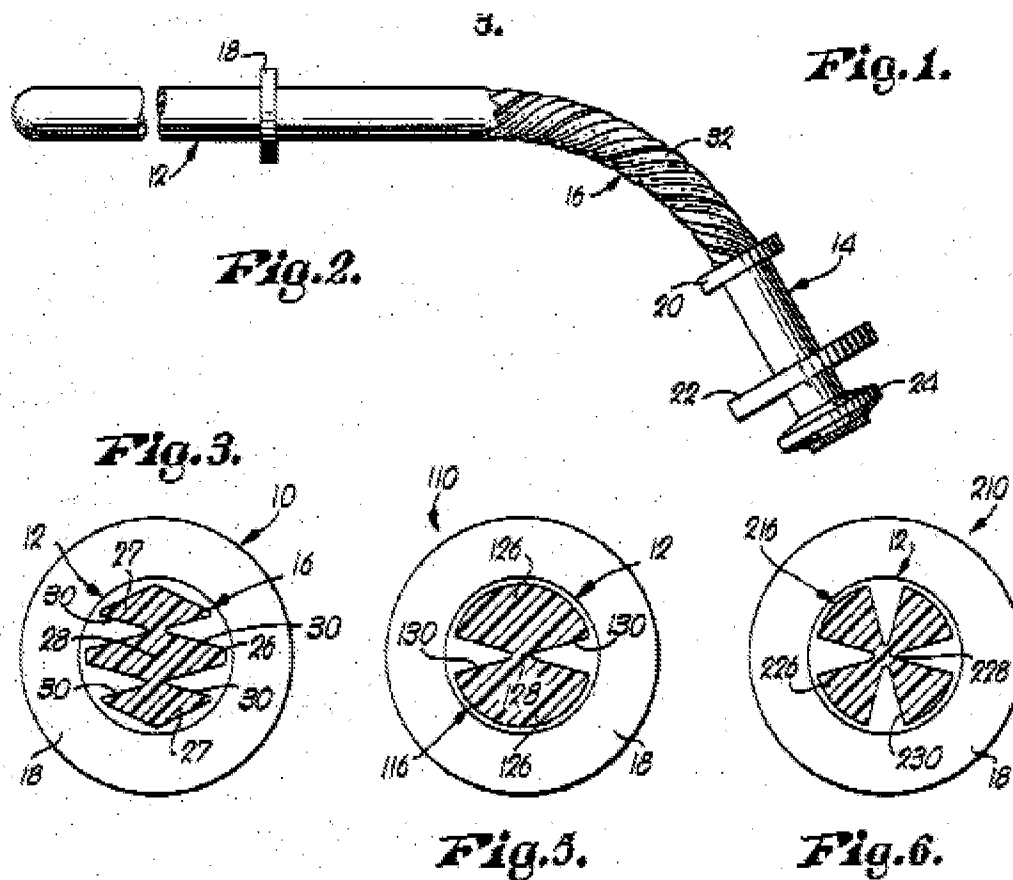
**Fig.11**



7. Although Katagiri shows applicant's basic inventive concept of an actuation device for a lock in a motor vehicle, Katagiri fails to show a shaft which submits a torque having the claimed notches, but Brahler shows this to be well known in the art. Brahler shows a flexible drive shaft (10), usable in any application (column 4, lines 40-48) for transmitting torque (column 4, line 31) wherein the one-piece shaft is made of flexible material (see claim 1) and has a family of notches (30) extending transversely to the axis of the shaft; the notches are recessed in pairs (see figure 3) into the shaft from diametrically opposing sides, the notches each having two flanks (each side of the notch); wherein when the shaft is stretched out straight, the two flanks of the notches are "essentially" parallel to each other and extend radially with respect to the axis of the

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shaft; wherein the notch pairs leave a web (28) in the shaft between the flanks the web is located on the axis of the shaft and extends essentially across the entire diameter of the shaft; the web produces flex points(see bending at 32 in figure 2), at which, when bending load is exerted on the shaft, the two flanks of the notch pairs can swing toward or away from each other (the flanks can bend toward or away from each other depending on the bending of the shaft); wherein intermediate axial pieces (26, 27), extending in the axial direction of the shaft and with the full cross section of the shaft , remain between successive pairs of diametrically opposing notches. It would have been obvious to one of ordinary skill in the art to replace the shaft portion of Katagiri using the flexible shaft of Brahler to provide enhanced flexibility. Replacing one flexible shaft with another flexible shaft is considered to be within the level of ordinary skill in the art. See the Brahler device below.



8. Regarding claim 2, Katagiri in view of Brahler, Katagiri shows the driver (261) has the form of a paddle.

Regarding claim 3, Katagiri in view of Brahler, Katagiri shows the connection (230), wherein an overload element (free wheel type cylinder; column 13, lines 4-15) is integrated into the connection (column 13, lines 4-15), the overload element, when the lock cylinder is actuated as normal by the key, ensures a nonrotatable connection between the cylinder core and the connection at the outer end of the shaft, but also wherein, when the lock cylinder is actuated forcibly as a result of which a specific torque limit is exceeded, the overload element lets the cylinder core and the driver for

the lock rotate freely with respect to each other (column 13, lines 4-15).

***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA R. FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-TH 7-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3673



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/K. R. F./

Examiner, Art Unit 3673

10/20/09